

**Prep for September 8, 2017, Five Agency Principals' meeting to discuss
ROC on LTO MOU comments (USFWS, NMFS, CDFW)**

Background:

- In December 2016, the directors of Reclamation, DWR, USFWS, CDFW, and NMFS signed an MOU for the reinitiation of consultation on the coordinated long-term operation of the Central Valley Project and the State Water Project.
- Since then, the Public Water Agencies have indicated to Reclamation that they want to be signatories to the MOU, and provided track changes edits for Reclamation and the other agencies to consider adopting.
- On August 4, 2017, Pablo sent those track changes to the other directors for consideration.
- On August 18, 2017, Maria sent back NMFS' comments.
- Reclamation has also received comments from USFWS and CDFW.
- On September 5, 2017, the ROC on LTO 5-agency core team discussed the comments.
 - General support for all of NMFS comments at the 5-agency team
 - 3 issues (2 related to NMFS comments) flagged that may cause consternation to PWAs; will likely be discussed on the Friday, 9/8/17 call

The following are the NMFS comments/issues that will likely be discussed at the five agency principals' meeting:

- MOU page 7, section 5.1 Goals and Objectives:
 - NMFS comment: Undelete the text “existing operations of the CVP and SWP, and operation of potentially new components of the CVP and SWP.”
 - Current status: All agencies agree that the text should be undeleted. California Water Fix should be included to obtain durable BiOps. FWS needs the ROC on LTO to include CWF operations since their CWF BiOp covers construction only. PWAs: Reclamation indicated that some of the PWAs want a very short duration CVP/SWP operations BiOp, in the tune of 5-10 years, which means operations pursuant to CWF would not need to be considered.
- MOU page 8, section 5.1, 7th bullet:
 - NMFS comment: Undelete the text, “, or two closely coordinated BiOps issued separately by USFWS and NMFS.”
 - Current status: All agencies agree that the text should be undeleted so that we can keep our options option. For example, one of the objectives of the CWF consultation was to issue a joint BiOp, but because of political pressure, that was not feasible.
 - PWAs: Reclamation indicated that the PWAs want a joint BiOp, and may ask for an explicit definition of what is meant by “closely coordinated” if that language is retained.
- The third issue (raised by FWS) relates to whether or not to include species proposed for ESA-listing in the ROC on LTO consultation.